

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-10600-PBS

RHODA PACKER, AS EXECUTRIX OF )  
THE ESTATE OF ARCHIE PACKER, )  
Plaintiff, )

v. )

REGISTER & GRILLE )  
MANUFACTURING CO., INC., )  
Defendant. )

AFFIDAVIT OF  
SUSAN SHEMIN

Now comes Susan Shemin and having been duly sworn, states under oath:

1. I, Susan Shemin, reside at 37 Thatcher Street, Westwood, Massachusetts.
2. I am the daughter of Archie Packer, and of the Plaintiff, Rhoda Packer, who has commenced the present action on behalf of my father's estate.
3. I am personally knowledgeable of the facts recounted in this Affidavit.
4. Archie Packer operated his business, Ropack Printing Company ("Ropack") out of his home in Westwood, Massachusetts since at least 1990.
5. Neither Archie Packer nor Rhoda Packer has lived in New York state at any time after selling their house there in or about 1989.
6. At no time later than 1990 was Archie Packer a citizen of New York state. Ever since that time, until his passing on December 31, 2002, he resided at his homes in Westwood, Massachusetts and Pompano Beach, Florida. During that time, he was a citizen of Florida.

7. At no time later than 1990 has the Plaintiff, Rhoda Packer, been a citizen of New York state. From that date to the date of Archie Packer's passing, she resided at her homes in Westwood, Massachusetts and Florida. During that time, she was a citizen of Florida. At present, and from a date preceding the filing of the present action, Rhoda Packer resides and has resided full time in Needham, Massachusetts.
8. The estate of Archie Packer was probated in the state of Florida.
9. The invoices attached to the Complaint contain a Valley Stream, New York address only because Archie Packer continued to use old, outdated invoices. None of the open invoices at issue in the present case, which are dated from September 15, 2001 to November 5, 2002, were forwarded from New York state.
10. On each of the invoices, New York telephone numbers have been crossed out and replaced with the telephone number for Archie Packer at his home in Westwood, Massachusetts. The reason is that during this time period, Archie Packer operated his business, Ropack, out of his home in Westwood, Massachusetts.
11. During 2001 and 2002, the period encompassing the dates of the open invoices, Archie and Rhoda Packer were residing at their home in Westwood, Massachusetts from April until late November each year. On information and belief, the services reflected on the open invoices, dated September 15, 2001 to November 5, 2002, were performed by Archie Packer in Massachusetts. In addition, Archie Packer forwarded the invoices from Massachusetts.
12. During the period from 2001 to 2003, when Archie and Rhoda Packer were residing in Westwood, Massachusetts from April until late November each year, they lived at my residence at the address recounted above.
13. During the period from 2001 to 2003, Archie Packer conducted virtually all of Ropack's business out of his home office in Westwood. He did very little work when he was residing in Pompano Beach, Florida from late November until April.

14. During the period from 2001 to 2003, the Defendant continually contacted Archie Packer concerning the parties' business relationship, while Archie Packer was in Massachusetts. Such communications included but were not necessarily limited to telephone calls, written correspondence, and payments which the Defendant forwarded to Archie Packer in Massachusetts. Such contact from Defendant to Archie Packer in Massachusetts was voluminous, constituting several dozens of communications.

Signed under the penalties of perjury this 7<sup>th</sup> day of May, 2004.

Susan Shemin  
Susan Shemin

CERTIFICATE OF SERVICE

I, Louis Movitz, Plaintiff's counsel, hereby certify that I served a true copy of the above document upon Defendant's counsel by first class mail on the 10<sup>th</sup> day of May, 2004.

Louis Movitz  
Louis Movitz

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